

## SECOND DEGREE.

[Continued from Second Page.]

numerable occasions and the expression of his countenance indicated hostility. The incident related by witness A. G. Haddich, which occurred in front of the postoffice, was gone over by the captain and the witness. Asked if he had told Mr. W. C. Beane that he would kill or that he would "fix" Dr. Baird, he said he had never used such an expression to Mr. Beane or to any one else. Referring again to the meeting before the postoffice, the defendant admitted that he might have had his hand on his pistol when Dr. Baird passed. He had been informed that Dr. Baird's family had implored him not to attack the defendant, and that Mrs. Baird had even ridden with him during inclement weather to prevent him from attacking the defendant. The defendant said he had frequently

instinctively grasped his pistol, when Dr. Baird passed and insulted him.

Q.—The conversation you had with Mr. Fee, was it not after this meeting at the postoffice? A.—I think it was; I'm not sure.

Q.—Didn't you say to Fee, he had called you an old s— of a b— at the corner of Sixteenth and Market? A.—I don't remember whether I did or did not refer to that occasion.

Dr. Garrison's cross examination was suspended, to allow Dr. E. C. Myers to testify. Dr. Myers said he had often heard Dr. Baird call Dr. Garrison vile names, and that on one occasion he had said he hoped somebody would kill the s— of a—. Dr. Garrison had been informed by the witness of some of the language used by Dr. Baird; witness had warned Dr. Garrison to look out for Dr. Baird, because he supposed a man using the hostile language practiced by Dr. Baird, might go further. Dr. Garrison brought to witness's office a letter which he claimed Dr. Baird had written. Here Capt. Dovenor objected, and wanted all reference to the letter stricken out, but the court over-ruled the objection.

The witness said that, when Dr. Garrison came to his office, he might have told him that Dr. Baird had said he wished somebody would kill him (Dr. Garrison).

Jason C. Stamp, who took the stenographic notes at the coroner's inquest, said he had made three longhand copies. He had found that there had been an omission in one of the copies, which he corrected. Col. Arnett said he would offer in evidence the copy of the notes.

On cross-examination the witness said he made the copy Col. Arnett had offered, from a transcript of his notes, and not from the notes themselves. He had been doing shorthand work since 1887, in W. P. Hubbard's office. Capt. Dovenor attempted to prove that Mr. Stamp had made mistakes in taking down in shorthand the remarks of the witnesses at the inquest, and Mr. Stamp admitted his humanity and consequent liability to err. The evidence taken at the inquest, that Colonel Arnett offered, was the evidence of Leonard Goeckstaetter and of William Baldwin.

Jailer Dimmey was recalled for a moment, and testified that Dr. Garrison had a dark overcoat and a dark hat on when he came to the jail after the killing of Dr. Baird.

THOUGHT DR. BAIRD MIGHT COMMIT VIOLENCE.

Alexander Frow said he had advised Dr. Garrison about Dr. Baird's violence, and that he would better be on his guard against it. While his tongue was more active, still he might, being passionate, assault him at some time. He had heard that Dr. Baird had threatened Dr. Garrison's life, and he warned Dr. Garrison after the fight in the city building.

On cross-examination Mr. Frow said his warning was made, not because of the threats made at the time of the fight, but of threats he had understood Dr. Baird had since made. He understood Mr. A. J. Sweeney to say that at one time Dr. Baird had gone into a house trying to get out of Dr. Baird's way. In the conversation, witness had with Dr. Garrison, the latter complained of the insults and said Dr. Baird had threatened to shoot him.

When Dr. Garrison was recalled he was questioned about the conversation with Alex Frow and why he thought Dr. Baird intended to kill him. The witness said the doctor had threatened him in the city building, and others had warned him that Dr. Baird might kill him. He could not recall the names of any persons who had warned him.

He was asked about the incident which W. H. Fee related. He said there was only one conversation he had with Mr. Fee in which Dr. Baird's name was mentioned. The witness

SAID THAT IT WAS UNTRUE

that he made the threat referred to by Mr. Fee; also the one that Edmund F. Boeking told about. In regard to what Mr. Beane had testified to, the witness said he had not intended to convey any such impression as Mr. Beane formed from his actions. He was excited, however, at the time, and walked up and down his office, and he did not know what impression Mr. Beane had received.

Captain Dovenor began questioning the defendant about the last meeting with Dr. Baird. He told about seeing him after he himself had stepped around the corner. He pulled down his hat over his face, pulled off his right glove and passed Dr. Baird. The latter called him the usual names and the defendant passed on. He then told the same story as he had related on the examination.

Q.—Why did you take off your glove? A.—To defend myself if necessary.

Q.—To defend yourself with what? A.—With my pistol, if necessary.

He was asked the distance he was from Dr. Baird when he first saw him, and was unable to tell. Dr. Baird had time to get the hitch rein out of the buggy and walk to the horse's head and step down into the street before the witness got to him. The defendant's coats, over and undercoat, were unbuttoned.

Q.—Show the jury the way Dr. Baird reached for his pistol. The witness replied that Dr. Baird had made a motion with his left hand as if to draw a pistol out of his overcoat pocket, or perhaps to unbutton his coat. The witness then threw back his own overcoat and undercoat, drew his revolver and fired rapidly two shots, without taking aim. Dr. Baird

MADE A MOTION WITH HIS LEFT HAND, AS IF TO REACH INTO AN UPPER OVERCOAT POCKET.

Q.—Were you not as far east as that alley? A.—No.

Q.—Was not Dr. Baird in his buggy when you passed him? A.—No.

Captain Dovenor asked the defendant categorically as to the truth of the statements of the different eye witnesses. "The defendant denied everything that would tend to prove premeditation or deliberation. Instead of turning around and going back to Dr. Baird, the witness claimed Dr. Baird had followed him. He was shown the photograph of the locality, but said

that he could not locate the points at which he and Dr. Baird stood. Asked if the names he had been called had anything to do with the reasons for his killing of Dr. Baird, he replied that they had not; he killed Dr. Baird because he was afraid Dr. Baird was going to kill him.

At this point court adjourned until 2 p. m.

## THE DEFENSE RESTS.

And the Case will be Argued To-day—Some Statements of the Defendant Rebutted.

When court reassembled Col. A. J. Sweeney was put on the stand.

Q.—Mr. Sweeney, did you ever hear Dr. Baird make a threat against Dr. Garrison?

The defense objected, and Col. Sweeney was directed not to answer. Misunderstanding the court, he said: "I did not," but the evidence did not go in.

Dr. Garrison was then recalled to the stand. Question by Capt. Dovenor—When did you purchase the cartridges? A.—On the twenty-fourth day of October, 1890.

The witness then explained that he had no memorandum of the purchase, but he met Captain Travis, who warned him against Dr. Baird, and he had purchased the cartridges a day or two after. Captain Travis's standing and his earnestness had convinced the defendant that there was danger. Captain Travis did not repeat any threat that Dr. Baird might have made, but the defendant did not question Mr. Travis's word, but thought he understood what he meant.

Q.—In any of these warnings did you ask any one what Dr. Baird had said? A.—No, I don't think that I did. I knew he was always threatening me.

Q.—Did you ever hear of any specific threats of violence he had made besides those in the gas office? A.—I don't know that I did.

Q.—Where did you purchase this pistol? A.—From Mr. William Muegge, in 1883, before I was married.

Q.—You had practiced with a pistol, hadn't you? A.—No, I hadn't used the pistol to the best of my recollection, since 1880.

Q.—What did you pay Mr. Busbey for those cartridges? A.—Fifty or sixty cents, I believe.

Q.—Do you say that this pistol, with this number, was manufactured in 1883? A.—I don't know; I bought it before I was married, I think in 1883.

Q.—Why did you buy it? A.—Mr. Muegge owed me a doctor's bill and offered to pay part of it in trade. I got two pistols, one of which I gave to Mr. James Buchanan.

Q.—Is that all you bought? A.—I think I bought three at about the same time.

Q.—Is that all you have ever bought? A.—All, with the exception of one I bought about twenty years ago.

Q.—Did you buy one from Joe Farrell? A.—No.

Q.—Did you get one from him? A.—Yes, he gave me one as a curiosity. It was an old pistol, and I asked him to give it to me. He had known me since I was a little boy, and I never charged him for medical service.

Q.—Wasn't it smaller than the one you hold in your hand? A.—Oh, yes.

Q.—Could you carry it in your vest pocket? A.—No, not very handily. It was a very old fashioned pistol; the butt of it was smaller than this.

Q.—When did you first find out that Dr. Baird had a pistol in his pocket? A.—After it had been found on him; shortly after.

Q.—Who told you that Colonel Arnett. I asked him where his pistol was found, and he told me in his left hip pocket.

Q.—Did Mr. Haynes warn you? A.—He told me to look out for Dr. Baird. The first time he said, "Baird says that isn't over yet." That was before I had been warned by Captain Travis.

Dr. Myers and Mr. Frow, and I was not so much alarmed. "Well," said Mr. Haynes, "I know more about it than you do."

Q.—What did you say to Mr. Haynes? A.—I told him I didn't anticipate any trouble.

Q.—What was the second conversation? A.—Something in the same nature of a warning. I regarded it as referring to danger of bodily harm.

Q.—Did you not testify on the former trial that Captain Travis was the first man who said anything of that kind to you? A.—I don't remember; I was asked so many questions.

Q.—Was Captain Travis the first man who said anything of that sort? A.—No. A good many people had congratulated me on my escape in the city building, and told me they were glad there was somebody who had got the better of Dr. Baird. Other parties warned me; hundreds of them.

Q.—Can you recall no more than Captain Travis, Dr. Myers, Mr. Frow and Mr. Haynes. A.—That's all I can recall.

Q.—Do you know John Armstrong? A.—I know him since the last trial.

Q.—Do you say you have been health officer and lived here since 1881, and didn't know John Armstrong? A.—I never knew him.

Q.—You saw him here on the first trial.

Q.—You have been in every horse house in the city at least twice a year? A.—I don't know that I have.

Q.—Was not John Armstrong foreman of the hook and ladder house? A.—I don't know.

Q.—Are you on good terms with Mr. Beane? A.—I am.

Q.—Are you on good terms with W. H. Fee? A.—I don't know. We were on speaking terms. Dr. Baird was his family physician.

Q.—Are you on good terms with Mr. Cartwright? A.—I thought he was, but Mr. Cartwright was bondsman for Mr. E. A. Watkins, who was accused of assault on a little girl. He had pretended to be a physician, and as I was a member of the state board of health, I was used as the prosecuting witness.

Q.—You knew Dr. Baird was right-handed, didn't you? A.—I didn't know whether he was right or left-handed, or equally dexterous with both.

The defendant was then asked if on the evening of the shooting he had not made a statement for publication in the Register. Captain Dovenor read the article, in which the doctor said that he saw Dr. Baird coming slowly along in his buggy as the defendant entered Eleventh street, and that Dr. Baird insulted him while in the buggy. The witness replied that he had not made such a statement for publication.

Q.—Did you tell Colonel Arnett? A.—No.

Q.—Did you give an editor or reporter of the Register this statement? A.—No.

Q.—Did you hear Colonel Arnett say he had told a Register reporter? A.—No.

Q.—Did you hear Colonel Arnett say he brought this statement to Mr. Beane, of the Register? A.—No.

Colonel Arnett—And I never did.

The Court—Oh, colonel, don't say that. Remarks of that kind—Colonel Arnett—Well, I don't want things misrepresented.

The Court—You may go on the stand, if you wish.

Colonel Arnett—I will.

Captain Dovenor—Doctor, did you write out this statement, or

did any one else write it out and read it to you? A.—No.

Q.—Were you not informed that this statement had been made in your behalf? A.—No.

Colonel Arnett commenced the re-direct examination:

Q.—Do you remember the purchase of the cartridges at Lem Busbey's store? A.—Yes. I went into the store and Mr. and Mrs. Busbey were there. Mr. Busbey did not have them and went out to get them, and Mrs. Busbey remained in the store.

Q.—Did you see any newspaper reporter the evening of the shooting? A.—No. The jailer told me the reporters wanted to see me, and I told him to tell them that I did not wish to give a statement.

Q.—Did you then tell your counsel or any one else, that you saw Dr. Baird put his left hand back? A.—No. I never did.

Q.—What kind of coat and hat did you have on that day? A.—A black deer hat and a very dark overcoat.

Question by Captain Dovenor—Where was Dr. Baird's horse and buggy at the time of the incident in the postoffice? A.—I don't know. I passed right into the back office and did not notice his buggy.

Q.—Did you not see him get into his buggy? A.—I have no recollection.

Colonel Arnett having expressed himself as willing to go on the stand, he was sworn.

Q.—Do you know who made that statement in the Register? A.—I do not. I had a conversation with Mr. Beane, but I made no statement. I will tell you why I was in the Register office. At the coroner's inquest a man named Miller had testified, and his evidence was printed in the evening paper. Mr. Beane and I both thought it would be better for the prisoner not to make a statement. I am averse to a prisoner making statements, on account of the liability to make mistakes. I know the article is not correct, when it speaks about the motion to the left hip pocket, for I know nothing about it. Dr. Garrison sent for me a short time after Dr. Garrison was in jail. He told me he wanted me to take his case. He then asked me what to do. I told him to say nothing to anybody. He asked me how Dr. Baird was. I told him he was dead, and Dr. Garrison said he was sorry, but he had to do it.

THE PRINTED STATEMENT DENIED.

Q.—Did you not dictate the statement to Mr. Mason, another reporter? A.—I think not. I know there was a statement made solely as an offset to what had been said by the witness Miller.

Q.—Was this statement not read to you after it was written? A.—I have no such recollection.

Captain Dovenor read the statement as printed in the Register, and Colonel Arnett said that his recollection was that he had not said most of the things the article contained.

Q.—Did you make a statement to a reporter named Mason, dictate it to him, and did he not read it to you in the presence of Mr. Beane? A.—I am certain I did not dictate it, and that it was not read to me. That is my distinct recollection. I had attended the coroner's inquest, but took no part in it. I solemnly swear I knew nothing about a hip pocket at that time.

Q.—Did you know that Dr. Baird had on an overcoat buttoned up to the chin? A.—No. The reason the statement was made was to offset the testimony of the man Miller, who has never been summoned by the state to testify.

Mr. Sommerville—Is that the same man Miller with whom Leonard Goeckstaetter says he was talking at the time of the shooting? A.—Yes, it's the same man.

John Lane, assistant county jailer, testified that Dr. Garrison wore a black hat and a dark overcoat when he came to the jail after the shooting.

Mrs. Lemuel T. Busbey said she knew Dr. Garrison and had seen him at her husband's store.

Q.—Will you tell what he did at the store? Mr. Howard—I object. This is an attempt to offset Mr. Cartwright's evidence by proving that Garrison bought cartridges from Mr. Busbey. If he did, that doesn't prove that he didn't buy them from Mr. Cartwright.

The Court—I sustain the objection. Mrs. Busbey was excused.

J. E. Baker, another witness for the defense, was reported to be sick, and Dr. Garrison came to the stand and asked to make

A CORRECTION OF HIS TESTIMONY.

He said that the first man who told him about finding the pistol on Dr. Baird's person was Sheriff Steenrod.

Capt. Dovenor attempted to ask Mr. Beane if, in the conversation, he had testified to as occurring between him and Dr. Garrison, the words, "Dr. Baird must not use personal violence" were used. The defense objected and the court sustained the objection. The state then asked that a subpoena be issued for Frederick Mason, a reporter on the Register, the intention being to contradict Col. Arnett.

Mr. George Baird was recalled to the stand. He was asked about his father's carrying a pistol, and said he was in the habit of carrying one, as he was afraid of dogs. He had known his father to have a pistol for several years before his death.

Frederick Mason was called to the stand. He said he saw Col. Arnett the evening of the shooting, he thought about nine o'clock, downstairs and in the editorial room of the Register.

Q.—Did he dictate to you a statement about the Baird killing? The defense objected, saying that Colonel Arnett was the state's own witness.

"But," said Mr. Howard, "Colonel Arnett volunteered the statement."

Mr. Sommerville—But he was the state's witness.

Mr. Howard—Perhaps Colonel Arnett wouldn't mind allowing the witness to testify.

Mr. Sommerville—I object. Colonel Arnett is not called upon to do anything of that sort.

The Court—I sustain the objection. Mr. Mason was discharged.

Attorney General Alfred C. Caldwell had been summoned by the state while Dr. Garrison was testifying, and some time was lost in waiting for him.

Question by Captain Dovenor—Did you at any time or any place ever carry a hip? A.—No, sir.

Q.—Did you at any time or place, while with Dr. Garrison, run away from him? A.—No, sir.

Cross-examined by Colonel Arnett—Do you remember being at Dr. Garrison's house on one occasion and seeing a pistol on the table? A.—No, sir.

Q.—You didn't pick it up and say, "Doctor, do you ever carry a pistol?" A.—No, sir. If I had it would never have escaped my recollection.

Q.—Did you see this? (holding up an old fashioned pistol.) A.—No. If I had it would never have made an impression upon me.

I WOULDN'T ASK A FINE MAN IF HE EVER CARRIED A PISTOL LIKE THAT.

Mr. Caldwell related about the visit of himself and Dr. Garrison to Schaefer's

store, on the South Side. He saw Dr. Baird, and did not want Dr. Baird to see him with Dr. Garrison. Dr. Baird was his uncle, and he did not want to have any ill feeling between them.

Dr. Reed Baird identified the pistol shown him as like one his father had carried since 1885; it had been given him by Mr. Alex. Laughlin. His father, he said, was right-handed. Though Dr. Reed Baird was married, there was scarcely an hour in the twenty-four, he said, that he had not been in his father's house since his marriage, and he was, therefore, perfectly familiar with his habits. To Captain Dovenor he said he knew nothing in relation to any fear his father's family may have had as to the danger of his father attacking Dr. Garrison.

Henry Beu, being recalled by the state, said in answer to Capt. Dovenor that Dr. Garrison got off at Eleventh street. Mr. Harrell was sitting on the east side of the car, with his back to Eleventh street, and Mr. Beu was sitting with his face to Eleventh street. He thought Dr. Garrison had got off in the middle of Eleventh street, and when asked as to his recollection, said he only saw him with a glance get off the car.

The testimony of Henry L. Ott, given at the last trial, was admitted by agreement of both parties and read to the jury. The testimony was to the effect, that Mr. Ott had asked Dr. Baird at the time, whether he ever carried a pistol. The doctor replied that he did not.

The question now arose as to how much time each side should have in presenting the case to the jury. The court asked if six hours to a side would be sufficient, and all the attorneys agreed that that would be ample.

Juror Williams arose and asked that night sessions be held. Mr. Williams said that most of the jury were married men, and would like to go home as soon as possible.

Prosecutor Howard told the court that he would be willing to hold a night session were it not that he had a very important case to attend to at Squire Phillips's, which he had already twice postponed. He expressed himself as willing to divide the day with the defense to-day, and only occupy four hours for his side instead of six. The question of time will be agreed upon, this morning when court meets at 9 o'clock.

Will Stay in Paris.

PARIS, May 3.—The authorities had intended to transfer Rayachol to Mont Brison yesterday, but abandoned the idea on learning that the anarchists of St. Etienne had organized a demonstration to rescue the prisoner. It was decided to keep him in Paris until the opening of the assizes in June.

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